

VII. LOCAL EDUCATION AGENCY (LEA) ELIGIBILITY

1. CONDITION OF ASSISTANCE (34 CFR 300.200)

A responsible public agency is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the responsible public agency meets each of the conditions in 34 CFR 300.201 through 300.213.

2. CONSISTENCY WITH STATE POLICIES (34 CFR 300.201)

The responsible public agency, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 CFR 300.101 through 300.163 and 300.165 through 300.174.

The responsible public agency may:

- A. adopt the State model local compliance plan, in which case the agency does not have to submit its plan to the SEA for approval, OR
- B. adopt the State model local compliance plan, with revisions to allow for unique agency characteristics or local requirements, in which case the agency must submit the plan to the SEA for approval, OR
- C. write a local compliance plan which meets all of the requirements listed above, in which case the agency must submit the plan to the SEA for approval.

3. SUBGRANTS TO LEAs (34 CFR 300.705)

For each year for which funds are allocated to states under 34 CFR 300.703, it is the policy of the Department of Elementary and Secondary Education to award subgrants to responsible public agencies as described in 34 CFR 300.705.

4. USE OF AMOUNTS (34 CFR 300.202)

The amounts provided to the LEA under Part B of the Act must be:

- A. expended in accordance with applicable provisions of Part B of IDEA;
- B. used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with the excess cost provision of this section; and,
- C. used to supplement State, local, and other Federal funds and not to supplant those funds.

5. EXCESS COST REQUIREMENT (34 CFR 300.202)

- A. A responsible public agency may not use funds provided under Part B of IDEA to pay for all of the costs directly attributable to the education of a child with a disability ages six (6) through seventeen (17).
- B. A responsible public agency may use Part B funds to pay for all of the costs directly attributable to the education of a child with a disability ages three (3) through five (5) and ages eighteen (18) through twenty (20), if no local or State funds are available for nondisabled children of these ages. However, the agency must comply with the nonsupplanting and other requirements of this part in providing the education and services for these children.
- C. A responsible public agency meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B are used.
- D. Excess costs must be calculated in accordance with 34 CFR 300.16 and may not include capital outlay or debt service.

6. MAINTENANCE OF FISCAL EFFORT/SUPPLANT (34 CFR 300.203)

A. Funds provided to an LEA under Part B of the Act:

- 1) must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year, and
- 2) must be used to supplement State, local, and other Federal funds and not to supplant those funds as described in 34 CFR 300.202(a)(3).

B. Exceptions to Maintenance of Effort (34 CFR 300.204)

- 1) The total amount or average per capita amount of **either local only or the combined State and local** school funds budgeted by the LEA for expenditures in the current fiscal year for the education of students with disabilities must be at least equal to the total amount or average per capita amount of state and local school funds actually expended for the education of students with disabilities in the most recent preceding fiscal year for which the information is available. Allowance may be made for:
 - the voluntary departure, by retirement or otherwise, or departure by just cause, of special education or related services personnel; **who are replaced by qualified, lower-salaried staff.**
 - a decrease in the enrollment of children with disabilities;
 - the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child has left the jurisdiction of the agency, has reached the age at which the obligation of the agency to provide FAPE to the child has terminated, or no longer needs the program of special education;

- the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and,
- the assumption of cost by the high cost fund operated by the SEA under 34 CFR 300.704(c).

C. Adjustment to Local Fiscal Effort (34 CFR 300.205)

- 1) In any fiscal year for which a district's Federal allocation exceeds the amount the district received in the previous fiscal year, the district may reduce the level of expenditures required for the education of children with disabilities from state and local funds by **not more than** fifty (50) percent of the amount in excess.
- 2) If a **local educational responsible public** agency exercises the authority to reduce their local effort, the agency **shall must** use an amount of local funds equal to the reduction in expenditures to carry out activities **authorized under the Elementary and Secondary Education Act of 1965 that could be supported with funds under the ESEA regardless of whether the agency is using funds under the ESEA for those activities.**
- 3) If a **State educational agency the SEA** determines that a **local educational responsible public** agency is unable to establish and maintain programs of **free appropriate public education FAPE** that meet the requirements **of section 613 (a) of the Act and this part** or the **State educational agency SEA** has taken action against the local educational agency under section 616, the **State educational agency SEA shall must** prohibit the **local educational agency LEA** from reducing the level of expenditures for that fiscal year.
- 4) **The amount of funds expended by the responsible public agency for early intervening services under 34 CFR 300.226 shall count toward the maximum amount of expenditures that the responsible public agency may reduce maintenance of fiscal effort.**
- 5) **Districts submitting application for IDEA, Part B funds must provide assurance that funds provided under Part B of the Act shall be used to supplement and, to the extent practicable, increase the level of state and local funds expended for the education of students with disabilities and, in no case, to supplant those state and local dollars except as provided in IDEA. Procedures for meeting this requirement will be in conformity with the regulations as specified at 34 CFR 300.230202 and 34 CFR 300.231203.**
- 6) **A district which budgets at least the same total or per-capita amount of local only or the combined state and local funds for special education and related services in the current fiscal year compared to the amount actually expended for those purposes in the immediately preceding fiscal year would be in compliance with 34 CFR 300.231203 assuming that all other applicable provisions of the IDEA-B have been met, the district would be eligible to receive its grant.**

D. Supplant or Maintenance of Effort Noncompliance

- 1) The district must be able to verify the actual amount expended during the first preceding year. Any federal funds expended during a year of noncompliance with either supplant or maintenance of **fiscal** effort requirements are recoverable.
- 2) In the event that the **responsible public agency district** violates the provisions of 34 CFR 300.231203 by failing to maintain **fiscal** effort, the Department of Elementary and Secondary Education will seek to recover the **misspent** funds. **Office of Management and Budget OMB** Circular A-133 requires that the state agency determine whether its subrecipients have spent the Federal funds in accordance with applicable laws and regulations and further shall ensure that a corrective action is taken within six (6) months after instances of noncompliance with federal laws and regulations have been discovered.

2. SEA IMPLEMENTATION OF SAFEGUARDS/LOCAL COMPLIANCE PLAN

The Missouri Department of Elementary and Secondary Education informs each public agency of its responsibility for ensuring the effective implementation of procedural safeguards for the children with disabilities served by that public agency through the dissemination of this State Plan to each public agency in the State.

The Missouri Department of Elementary and Secondary Education also requires each public agency to submit to the Missouri Department of Elementary and Secondary Education a written compliance plan which describes the public agency's plan for compliance with state and federal requirements for identifying and serving all children with disabilities. Public agencies must implement their compliance plans as approved by the Division of Special Education. Public agencies must update the compliance plan as required by the Division of Special Education.

Each public agency responsible for the provision of special education and related services must include in its local Compliance Plan assurances, which demonstrate that:

- A. children with disabilities have available to them the variety of educational programs and services available to children without disabilities in the area served by the public agency; and,
- B. children with disabilities have available to them nonacademic and extracurricular services and activities in such a manner as is necessary to afford them with an equal opportunity for participation in those services and activities. These services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies which provide assistance to persons with disabilities, and employment of students including both employment by the public agency and assistance in making outside employment available.

The plan must include administrative procedures that have been adopted by the public agency's board of education or governing board and include the following components:

- A. certification statement assuring that the approved compliance plan governs the provision of special education services within the public agency;
- B. local compliance policies and assurances of compliance with and implementation of the provisions of Missouri statutes and regulations governing special education; and,
- C. a description of the public agency's administrative procedures which govern student identification including:
 - 1) child find activities to inform the citizenry of rights and needs of children with disabilities;
 - 2) an annual census of children with disabilities and suspected disabilities birth to twenty-one (21) years residing in the public agency's jurisdiction;
 - 3) a description of procedures for confidentiality of records and records management to include: informing the public about access rights, release of information, destruction of records, and training for persons collecting or using personally identifiable data; and,
 - 4) a comprehensive evaluation and identification process addressing procedural safeguards, and eligibility criteria for determination of specific disability conditions.
- D. Administrative procedures which govern the development and implementation of Individualized Educational Programs including participants, required contents of the IEP, timelines for implementation, and procedures for assuring placement in the least restrictive environment.
- E. Administrative procedures that govern the public agency's consultation with representatives of private schools serving children with disabilities who live within the jurisdiction of the public agency to assure the development of a plan to identify and provide special education services to children with disabilities enrolled by their parents in private schools.
- F. Administrative procedures, which govern the implementation of an evaluation plan to determine the effectiveness of the public agency's special education services. The plan shall, at a minimum, include an evaluation of the district's performance on each of the State's performance goals for children with disabilities.

7. SCHOOL-WIDE PROGRAMS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) (34 CFR 300.206)

LEAs may use funds received under Part B for any fiscal year to carry out a school-wide program under section 1114 of the ESEA. The amount used in any school-wide program may not exceed the amount received by the LEA under Part B for that fiscal year, divided by the number of children with disabilities in the jurisdiction of the LEA, and multiplied by the number of children with disabilities participating in the school-wide program.

Part B funds used in this manner, must be considered Federal Part B funds for purposes of calculations required for determining excess costs. All other requirements of Part B

of the Act must be met by an LEA using Part B funds in a school-wide program, including ensuring that children with disabilities in school-wide program schools receive services in accordance with a properly developed IEP and are afforded all of the rights and services guaranteed to children with disabilities under the Act.

8. PERSONNEL DEVELOPMENT (34 CFR 300.207)

LEAs must ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared and meet the requirements outlined in Regulation VI.

Personnel paid in full or in part from Part B funds must be appropriately prepared and trained as outlined in Regulation VI., Personnel Standards of this State Plan.

Personnel paid entirely with Federal funds or from Federal funds and at least one other source must maintain time and effort documentation prescribed in OMB Circular A-87.

9. PERMISSIVE USE OF FUNDS (34 CFR 300.208)

Funds provided to an LEA under Part B of the Act may be used for the following activities:

- A. Services and aids that also benefit nondisabled children. For the costs of special education and related services and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more children will benefit from these services.
- B. Early Intervening services. To develop and implement coordinated, early intervening educational services in accordance with 34 CFR 300.226.
- C. High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperative for the LEA itself or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.
- D. Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities that is needed for the implementation of those case management activities.

10. EARLY INTERVENING SERVICES (34 CFR 205(d), 34 CFR 208 (a)(2), 34 CFR 226)

A **local educational responsible public** agency may not use more than fifteen (15) percent of the amount **such the** agency receives under Part B for any fiscal year, less any amount reduced by the agency under adjustments to local fiscal effort, if any, in combination with other amounts (which may include amounts other than education

funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

In implementing coordinated, early intervening service, a **local educational responsible public** agency may carry out activities that include:

- A. professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and
- B. providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction.

Nothing in this section shall be construed to either limit or create a right to FAPE under Part B or to delay appropriate evaluation of a child suspected of having a disability.

Each responsible public agency that develops and maintains coordinated, early intervening services under IDEA must annually report to the SEA on:

- A. the number of children served who received early intervening services, and
- B. the number of children served who received early intervening services and subsequently receive special education and related services during the preceding two (2) year period.

Funds made available under this section may be used to carry out coordinated, early intervening services aligned with activities funded by and carried out under the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

Disproportionality

A. General

As required by 34 CFR 300.646, DESE collects and examines data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to:

- 1) the identification of children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in the eligibility categories of this State Plan;
- 2) the placement in particular educational settings of these children; and,

- 3) the incidence duration and type of disciplinary actions, including suspensions and expulsions.

B. Review and Revision

In the case of a determination of significant disproportionality with respect to the identification of children with disabilities or the placement in particular educational settings of these children, through the data described above, the State shall:

- 1) provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of IDEA.
- 2) require any LEA identified under paragraph A above to reserve the maximum amount of funds under early intervening services to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over identified; and,
- 3) require the LEA to publicly report on the revision of policies, practices, and procedures.

The amount of funds expended by an LEA for early intervening services under 34 CFR 300.226 shall count toward the maximum amount of expenditures that the LEA may reduce local effort.

11. PURCHASE OF INSTRUCTIONAL MATERIALS (34 CFR 300.210)

LEAs that choose to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those materials in the same manner and under the same conditions as an SEA. See Regulation VI.

LEAs are not required to coordinate with the NIMAC. If, an LEA chooses not to coordinate with the NIMAC, the LEA must provide an assurance to the SEA that the LEA will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. “In a timely manner” means that students with disabilities have accessible materials at the same time their fellow students without disabilities have their materials.

Nothing in this section relieves an LEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

12. INFORMATION FOR SEA (34 CFR 300.211)

The LEA must provide the SEA with information necessary to enable the SEA to carry out its duties under Part B of the Act including information relating to the performance of children with disabilities participating in programs carried out under Part B of IDEA.

13. RECORDS REGARDING MIGRATORY CHILDREN WITH DISABILITIES (34 CFR 300.213)

The LEA must cooperate with efforts of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging health and educational information among the states for these children.

Equipment, materials, and supplies purchased with Part B, IDEA funds are restricted in use to students with disabilities and for the purpose(s) specified in the request for approval or otherwise permissible under EDGAR.

A. Disposition of Equipment

When original equipment is no longer to be used in projects or programs currently or previously funded under Part B of IDEA, the LEA shall check to see if it is usable in other Federal programs and, if not, dispose as surplus equipment under board policy with the proceeds less ten (10) percent going back to special education.

B. Supplies

"Supplies" means items not electrical or mechanical in nature or function that cost or less per unit. This includes items that have a useful life of less than a year. Usually material items are expended, consumed, wear out or deteriorate, or otherwise lose their identity.

C. Disposition of Supplies

If supplies exceeding \$1,000 in total aggregate market value are left over upon termination or expiration of the grant or subgrant for which they were acquired and the supplies are not needed for any project or program currently or previously sponsored by the federal government, the grant shall be credited by an amount computed by multiplying the federal share of the supplies times the current market value or, if the supplies are sold, the proceeds from sale. If the supplies are sold, ten (10) percent of the proceeds may be deducted and retained from the credit, for selling and handling expenses.

14. ACCOUNTING AND PAYMENT PROCEDURES

- A. Each LEA or designated fiscal agent shall submit a final report that reflects all actual expenditures. This report shall be due no later than thirty (30) days after the ending date of approved plan.

- B. The final payment of cash due an LEA will be transmitted upon receipt and approval by the DESE of the final report. If the LEA has received more money through an approved discretionary project than was actually expended, the LEA shall refund the overpayment within thirty (30) days of the request by the DESE. Overpayment by the DESE on entitlement projects may be credited to initial payment on the ensuing year's project. Appropriate records shall be maintained to verify all expenditures of funds received under Part B of IDEA.

15. HEARINGS RELATED TO LEA ELIGIBILITY (34 CFR 300.221)

It is the policy of the Department of Elementary and Secondary Education to provide a local school district or public agency with notice and an opportunity for a hearing prior to disapproval of an entitlement application under Part B of the Individuals with Disabilities Education Act. The provisions of this section shall apply if any of the following actions are taken by the Department of Elementary and Secondary Education in reference to a local school district or public agency application:

- A. disapproval of or failure to approve the application or project in whole or in part, or
- B. failure to provide funds and amounts in accordance with the requirements of statutes and regulations.

Appeal by an applicant must be based upon an allegation that these actions by the Department of Elementary and Secondary Education violate state or federal statute or regulation. The Department shall provide a local school district or public agency with notice of intent to disapprove the application. That notice shall contain:

- A. a statement of the basis upon which the Department proposes to disapprove the application;
- B. possible options for resolving the issue;
- C. how the applicant can request a hearing not later than thirty (30) days from receipt of the notice of proposed disapproval; and,
- D. information about the proposed procedures to be followed in the hearing.

This notice shall be transmitted to the applicant by certified mail with return receipt requested.

Requests for a hearing pursuant to this section shall be in writing and shall be directed to the Office of the Commissioner of Education.

Within thirty (30) days of the date of receipt of the appeal request, the Commissioner of Education or a designee shall conduct a hearing on the record on the proposed action. No later than ten (10) days after the hearing, the Commissioner or a designee shall issue a written ruling, including findings of fact and a reason for the ruling. If the Department of Elementary and Secondary Education determines that its action was contrary to state or federal statutes or regulations, which govern the applicable

program, the Department of Elementary and Secondary Education, shall rescind its action.

The ruling by the Commissioner of Education or a designee shall be final unless appealed pursuant to Education Division General Administrative Regulations which provides that notice of appeal must be filed with the Office of the Secretary of Education within twenty (20) days after the applicant receives notice of the decision. The decision of the Commissioner of Education shall contain a description of the applicant's right of appeal and shall be forwarded by certified mail with return receipt requested.

A. Withholding of Payments

- 1) Whenever DESE, after reasonable notice and opportunity for a hearing to any LEA, finds a failure to comply with any provision of applicable state or federal law, DESE will notify the LEA of curtailment of funds under Part B of IDEA. Only after compliance has been established will funds be released.
- 2) Prior to initiating a hearing under this section, DESE will attempt to resolve any apparent differences with the LEA.

The Department shall make available at reasonable times and places to each applicant all records pertaining to any review or appeal that the applicant is conducting under this section, including the records of other applicants.

B. Failure to Provide Free Appropriate Public Education (FAPE)

The hearing procedure described in this section will be used when a district is determined to be unwilling or unable to provide a Free Appropriate Public Education (FAPE) as described in Regulation IV.

16. CLASS SIZE AND CASELOADS

It is the responsibility of the public agency to assign students to classes and monitor student/teacher ratios for class size and caseload to ensure that there are adequate staff and that staff have adequate time to provide for the implementation of the IEP of each identified student with a disability.

Paraprofessionals/aides may be assigned to specific students and/or may be assigned to classrooms based upon the number and unique needs of students with disabilities being served in the class. While highly qualified teachers and licensed therapists must design and provide initial or original instruction, support personnel may provide reinforcement and practice of previously taught skills or content. Additionally, appropriately trained support personnel may provide assistance to students in response to specific needs related to:

A. significant cognitive and/or sensory impairments;

- B. safety;
- C. mobility;
- D. personal care;
- E. behavior;
- F. medical/health; or,
- G. other unique circumstances.

Considerations when making staffing determinations include:

- A. planning time (minimum of 250 minutes per week during the instructional day is required);
- B. data collection, observation, assessment, and report preparation;
- C. consultation and IEP planning with general educators;
- D. IEP casemanagement;
- E. IEP Team meetings and meetings with parents;
- F. age of the children (younger children generally require more assistance with personal tasks such as toileting, dressing, and feeding); and,
- G. travel time between assignments.

Caseloads and Class Sizes for Early Childhood Special Education (ECSE) [Services](#)

The number of personnel approved for each district will be based upon a review of the district's data for early childhood special education. ECSE funding will not be provided for staff serving children who are age 5 and kindergarten age eligible.

Position/Full Time Equivalent	Caseload/ Class Size
Teacher of Centerbased Self-Contained Classroom (see low incidence K-2 caseloads in following section for self-contained classrooms)	12-22*
Paraprofessional in ECSE Classroom	12-22*
Teacher of Integrated Classroom (formerly referred to as Reverse Mainstream) (This number is for children with disabilities only; the class must have additional peers without disabilities.) At least half of the children must have an IEP/qualify for ECSE. Total class (session) size may not exceed twelve (12).	12-20*
Itinerant Teacher (Includes Speech Therapists and ECSE teachers providing special education services in early childhood programs and/or homes)	12-30 31-50
Traveling	
Non-Traveling	
Diagnostic Staff - for each position	160
Related Service Staff Employed by District (Occupational Therapist, Physical Therapist, and Speech Therapist)	45-50
ECSE Dedicated Program or Process Coordinator (Administrator)	200
Secretary	200
Nurse (FTE can be increased if additional nursing needs are specifically	

addressed in IEP(s))	175
Social Worker - general	175
diagnostic	160
related services	50

*based on two (2) half day sessions with a class size of six (6) to eleven (11).

Caseloads for Kindergarten - Grade 12 Special Education Services Class Size Standards for Self Contained Classrooms, Grades Kindergarten – Twelve (12)

The standards listed below reflect **approvable** the minimum and desirable class size and **caseloads** at any given time during the school year for **Special Education Self-Contained Classrooms**. Variations may be considered upon request to the Division of Special Education, Department of Elementary and Secondary Education. Justification for approved variations may include, but not be limited to, consideration of the availability of certified personnel, the incidence of eligible students, their specified IEP requirements, and the availability of alternative resources for service. The Division of Special Education may require the assignment of a paraprofessional to a particular class as a condition of approval for a caseload exception. When assigning students to a self-contained classroom, consideration should be given to the following:

- A. severity of the disability of the students assigned to the classroom;
- B. ages of students assigned to the classroom;
- C. range of needs of the students as specified in their IEPs;
- D. unique needs of the students as specified in their IEPs;
- E. other duties assigned to the classroom teacher (IEP case management, recess, lunch, etc.); and,
- F. level of paraprofessional support provided

The number of students assigned to self-contained classrooms should not exceed the minimum standard. However, depending on the factors listed above for the types of students served in a classroom, it may be necessary to limit the number of students in a classroom to below the minimum or even the desirable number or to assign a paraprofessional to the classroom. For classrooms with numbers between the desirable and minimum number, consideration should be given to assigning a paraprofessional to the class.

1) **Low Incidence Self-Contained Classrooms** **Class Size**
(may also be used for early childhood classrooms)

Multiple Disabilities; Deaf/Blind; Autistic	5-9
Physically & Other Health Impaired	5-8
Visually Impaired; Hearing Impaired	5-8

Grades	Minimum	Desirable
K-2	8	5
3-4	9	5

5-6	9	6
7-12	10	6

2) Speech Language Pathologist may qualify for Exceptional Pupil Aid in two ways:

- a) The pathologist provides direct services to 40-60 children with disabilities. For some students in this count, the pathologist may not be the designated casemanager.
- b) The district may use the Caseload Calculation Worksheet described on the next page instead of the caseload range to qualify a Speech/Language Pathologist for approval of Exceptional Pupil Aid.

Caseload Calculation Options for Special Education Teachers and Related Service Providers Providing Services in Resource and General Education Classrooms

There are two methods available for calculating caseloads for special education teachers and related service providers working with special education students in other than self-contained classrooms. Which method is used should take into consideration the following:

- A. The ages and grade levels of the students served
- B. The severity of the disabilities of the students served
- C. The unique needs of the students as identified in their IEPs
- D. The number of IEPs managed by the teacher
- E. Any assessment/evaluation responsibilities of the teacher
- F. Other duties assigned to the teacher

CALCULATION OPTION 1—HEAD COUNT OF STUDENTS SERVED

This method simply calculates the number of students served by the teacher or related service provider. This method is generally most appropriate for use with teachers/related service providers that do not casemanage IEPs, but have other responsibilities, such as screening, evaluations, eligibility determination, IEP Team meetings, and travel between assignments. Often, these teachers serve both ECSE and school-age children with disabilities.

The following guidelines should be used in this method for the minimum and desirable number of students to be served by a teacher:

Grades	Minimum	Desirable
K-2	50	40
3-4	55	45
5-6	60	50
9-12	60	50

The following caseload calculation worksheet may be used to ensure that all relative factors have been considered when determining the number of students assigned to a teacher/related service provider.

Caseload Calculation Worksheet

1. Total of instructional minutes available per week.	
2. Minutes per week spent in the following activities:	
a. planning time (250 minutes required)	
b. screening time	
c. diagnostic time	
d. staffing time	
e. meeting/consultation time	
f. travel time	
g. other duties	
h. ECSE related activities (therapy, testing, travel, consultation, meetings)	
<i>TOTAL</i>	
3. Subtract the total on line 2 from line 1.	
4. To determine number of hours available per week for therapy divide by 60.	
5. To determine number of hours available per day for therapy divide by 5.	
6. Multiply this number by a factor of 10.	
7. Round this number up to the highest number.	
The product of this number is the maximum number of students that can should be served on by this individual speech pathologist's caseload.	

Directions:

1. Find this number in your district's core data. Lunchtime is already backed out of minutes of instructional time in core data.
2. The minutes that are added together in this section will be an average of a typical week. The Missouri School Improvement Program (MSIP) resource standards require 250 minutes per week of planning time for all certificated staff.
3. The number obtained on step 7 represents an estimate of the maximum number of students the speech language pathologist special education teacher/related service provider would should be able to serve. Speech language pathologists Teachers/related service providers whose caseloads contain several students with significant disabilities that may require more services or other unique circumstances may need to should have other considerations made concerning their caseload calculation these things taken into consideration when their caseload is determined.

This calculation considers the required activities of teachers/related service providers involved in providing services for students who have speech and/or language disorders with disabilities. The formula is designed to be flexible and will provide an accurate

reflection of the responsibilities for one full-time speech/language pathologist special education teacher/related service provider.

All Other Special Education CALCULATION OPTION 2--ALTERNATE CALCULATION FORMULA FOR CASELOADS (ALTCASE)

In this method, the number of students to be assigned to a class special education teacher/related service provider is determined by use of a formula which combines the number of IEPs that the teacher/related service provider is responsible for casemanaging with the total number of minutes that the teacher/related service provider is engaged in direct instructional activities with students each aggregate number of equivalent student contact hours accruing to the teacher during the day. The sum equals a Caseload Number which may not exceed 60.

This method is generally most appropriate for use with teachers/related service providers that spend most of their time in direct instructional activities and who casemanage IEPs, but do not have other responsibilities, such as screening, evaluations, or travel between assignments. These teachers will generally only serve either ECSE or school-age children with disabilities.

The following guidelines should be used in this method for the minimum and desirable Alternate Caseload number to be assigned to a special education teacher/related service provider:

Grades	Minimum	Desirable
K-2	50	40
3-4	55	45
5-6	60	50
9-12	60	50

The formula for calculating an alternate caseload number is as follows:

$$\text{\#IEPs case managed} + \text{CONTACT\#} \leq \text{CASELOAD\#}$$

#IEPs equals the number of IEPs the teacher is responsible for on a casemanaging manager basis;

CONTACT# equals the aggregated total number of equivalent student contact hours for the teacher during the day; and,

CASELOAD# equals the limit for service which may be provided by a particular program or class. minimum acceptable and desirable number for each special education teacher.

Definitions

CASELOAD# is a derived number for the formula and is defined as 60.

CONTACT# is the equivalent of the total number of student contact hours which accrue to the teacher during a normal school day. It includes all students served by the teacher, regardless of which teacher serves as the case manager. The CONTACT# is a computed value, determined by dividing the total student minutes per week (symbolized as STU.MINWK) by the number of minutes per day the teacher has available for direct contact instruction, (symbolized as TEA.MINDAY). Therefore:

$$\text{CONTACT\#} = \text{STU.MINWK} / \text{TEA.MINDAY}$$

STU.MINWK is determined by aggregating the number of minutes per week the students are assigned to the special education teacher, as stated on the student's IEP, without regard for which teacher serves as the Case Manager. STU.MINWK must also include student 'walk-in' time where the district's policy allows for such activity. For students served in a class-within a class (CWC), count only the minutes for up to the first five students.

TEA.MINDAY is the number of minutes per day the teacher is available for instruction in the special education class and is determined by dividing by five (5) the teacher's minutes of instruction per week as reported for special education assignments on the district's Core Data report.

An ALTERNATIVE method of determining TEA.MINDAY is to determine by subtracting the total number of minutes for planning time, supplemental duties and assignments, and non special education teaching assignments from the total number of minutes in the district's normal instructional day.

#IEPs is the number of IEPs the teacher is responsible for, on a case manager basis, and is the number traditionally reported as the teacher's caseload under the current State Board Caseload Standards.

The following caseload calculation worksheet may be used to ensure that all relative factors have been considered when determining the Alternate Caseload Number for a teacher/related service provider.

1. Instructional minutes available per week.		
a. planning time (250 minutes required)		
b. staffing time		
c. meeting/consultation time		
d. other duties		
2. Total a.-d.		
3. Subtract line 2 from line 1. This is the total available instructional minutes per week for this teacher/related service provider.		
4. Teacher minutes per day (divide number on line 3 by 5).		
5. Student minutes per week – use calculation below.		

2. In the MINPERWK column, enter the total number of minutes that this student is seen by this teacher each week. The minutes must be listed on the IEP and must be direct contact minutes.
3. In the IEP column, enter a "1" if the teacher case manages this student's IEP.
4. Total the number of minutes in the MINPERWK column and enter this number on Line 4 of the ALTERNATE CASELOAD CALCULATION Worksheet above.
5. Total the number of IEPs that are case managed and enter this number on Line 6 of the worksheet.

How to Use the Formula

The following examples will illustrate the use of the formula:

Example #	STU.MINWK	TEA.MINDAY	CONTACT#	#IEPs	CASELOAD#
1.	8,558	315	27	19	46
2.	10,813	315	34	24	58
3.	13,693	310	44	14	58

In example #1 the teacher serves 19 students and is available for direct instruction 315 minutes per day. The 19 students aggregate, from the IEPs, a total of 8,558 minutes per week with this teacher. The low total minutes would indicate that, on average, these students have mild disabilities and do not require extensive special education service. Dividing the 8,558 STU.MINWK by 315 TEA.MINDAY yields a quotient of 27 for the CONTACT#. Using the formula $\text{CONTACT\#} + \text{\#IEPs} \leq \text{CASELOAD\#}$, add 27 + 19 to equal 46, a value which is less than the CASELOAD standard of 60. Not only is this class within caseload standards, additional students could probably be added to this teacher's caseload.

Example #2 illustrates the case wherein an additional 5 students, with a total of 2,255 minutes assigned to special education, are added to the caseload in example #1. The STU.MINWK now total 10,813 (8,558 + 2,255) which, when divided by the TEA.MINDAY of 315 gives a CONTACT# of 34. The teacher is now responsible for 24 IEPs (19 + 5). Adding the CONTACT# to the #IEPs yields a total of 34 + 24 = 58, which is within the standard.

Example #3 also yields a CASELOAD# of 58 with a teacher serving 14 students. The needs of the students, as measured by the aggregate number of minutes from the IEPs, are more intense and thus the teacher is assigned fewer students. The STU.MINWK of 13,693 divided by the TEA.MINDAY of 310 yields a CONTACT# of 44. The CONTACT# of 44 added to the #IEPs of 14 results in a CASELOAD# of 58.

The IEP provides for students to "drop-in" to the special education classroom on an unscheduled but occasional basis, such as to read a test, then the amount of contact time due to these activities should be estimated and added to the aggregate total of the

student minutes per week. If student IEP allows for walk-in or drop-in of students on a regular basis, then the amount of contact time must be estimated and added to the STU.MINWK total in order to prevent inflation of the CASELOAD#.

Implementation

The CASELOAD# of 60 is a LIMIT, not a GOAL. Depending upon the instructional needs of the students, districts will need to designate the appropriate CASELOAD# to be targeted for different situations. For example, elementary classes will generally have a smaller CASELOAD# than secondary classes, due to the greater individual student management needs presented by younger students. However, any class with students who exhibit behaviors requiring more individualized attention may result in lower CASELOAD#s while classes with students with more independent behaviors may result in higher CASELOAD#s. In general, CASELOAD#s from 35 to 50 at elementary (less in the fall to allow for growth) and 40 to 55 at secondary are considered normal.

When the CASELOAD# rises above 50 the district should evaluate the class to determine whether or not full or part time paraprofessional assistance may be appropriate, especially with classes which more nearly resemble the traditional 'self contained' model. This evaluation should consider such factors as grade/age range of the students assigned; overt behaviors of specific students; students ability to work independently; and whether the teacher is providing support services or is responsible for the initiation of instruction and in how many areas.

Even classes with a CASELOAD# significantly below 60 may require an aide due to an individual student's needs or behaviors. In such cases the paraprofessional would likely be designated and assigned as a personal assistant aide rather than an instructional aide.

Requests for approval of classes for which the CASELOAD# will exceed 60 must be evaluated in terms of individual student and teacher needs. Such approvals will be granted sparingly. Depending upon the individual class situation, a paraprofessional may be required for certain periods, required full time, or permission to extend the CASELOAD# upward may be denied.

C. Alternative Caseload Calculation

Public agencies may submit a request to the DESE for approval of an alternative caseload calculation. The alternative methodology must be submitted in writing and focus upon how district personnel supported by state funds will be distributed. The alternative method cannot be implemented by public agencies unless approved by DESE. There is no appeal process for denied requests.